

CHAPTER NO. 831

HOUSE BILL NO. 1559

By Representative McMillan

Substituted for: Senate Bill No. 1485

By Senator Fowler

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 1, relative to privileged communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-1-201(b), is amended by deleting the language "In either a civil or criminal proceeding" in the first sentence and substituting instead, the language "In a civil proceeding".

SECTION 2. Tennessee Code Annotated 24-1-201 is further amended by adding the following as a new subsection:

(c)(1) In a criminal proceeding a marital confidential communication shall be privileged if :

(A) The communications originated in a confidence that they will not be disclosed;

(B) The element of confidentiality is essential to the full and satisfactory maintenance of the relation between the parties;

(C) The relation must be one which, in the opinion of the community, ought to be sedulously fostered; and,

(D) The injury to the relation by disclosure of the communications outweighs the benefit gained for the correct disposal of litigation.

(2) Upon a finding that a marital communication is privileged, it shall be inadmissible if either spouse objects. Such communication privileges shall not apply to proceedings concerning abuse of one (1) of the spouses or abuse of a minor in the custody of or under the dominion and control of either spouse, including, but not limited to proceedings arising under Title 37, Chapter 1, Parts 1 and 4; Title 37, Chapter 2, Part 4; and Title 71, Chapter 6, Part 1.


SECTION 3. This act shall take effect January 1, 2001, the public welfare requiring it.

PASSED: May 17, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of May 2000


DON CONQUIST, GOVERNOR